

EXHIBIT E

Middleton-Cross Plains Area School District, Nondiscrimination Guidelines

MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

Administrative Policy and Procedure Manual

411.2

NONDISCRIMINATION GUIDELINES RELATED TO STUDENTS WHO ARE TRANSGENDER AND STUDENTS NONCONFORMING TO GENDER ROLE STEREOTYPES

Policy

The following guidelines relate to students who are transgender and students who do not conform to gender role stereotypes. This guideline serves two important purposes. First, significant portions of the guidelines facilitate compliance with the District's legal obligations. Under many circumstances, an individual's transgender or gender nonconforming status serves as a basis for legal rights and protections. Second, even where specific actions may not be required by applicable law, these guidelines are intended to further the District's local goals concerning the creation and maintenance of positive and supportive environments that appropriately provide for the education, safety, and welfare of all students.

While the guidelines established in this rule provide important direction to District employees, students, school families, and other persons, the guidelines do not anticipate every situation that might occur with respect to students who are transgender or gender nonconforming. When an issue or concern arises that is not adequately addressed by these guidelines, the needs and concerns of each student will be assessed on an individualized basis with consultation with parents/guardians where appropriate.

1. Definitions

The definitions below are not intended to label students but rather to assist in understanding these guidelines and the expectations of staff in complying with District policies and legal requirements. Students might or might not use these terms to describe themselves.

- a. "Transgender" describes people whose gender identity is different than their biological sex assigned at birth.
- b. "Gender identity" is a person's deeply held sense or psychological knowledge of their own gender, regardless of the biological sex they were assigned at birth. Everyone has a gender identity.
- c. "Gender nonconforming" describes people whose gender expression differs from stereotypical or prevailing social expectations, such as "feminine" boys or "masculine" girls, or those who are perceived as androgynous.
- d. "Gender expression" refers to the way a person expresses gender, such as clothing, hairstyles, activities or mannerisms.

2. Discrimination, Harassment and Bullying

The District prohibits all forms of discrimination against any transgender student or any student who does not conform to gender role stereotypes. Further, existing District policies that prohibit the harassment and bullying of students apply to any such actions that are based on a student's actual or perceived transgender status or gender nonconformity. This includes ensuring that any incident or complaint of discrimination, harassment, or bullying is given prompt attention, including taking appropriate corrective and/or disciplinary action. Complaints alleging discrimination, harassment or

bullying based on a person's actual or perceived transgender status or gender nonconformity are to be handled in the same manner as other discrimination, harassment, and bullying complaints.

3. Student Privacy, Names and Pronouns, and Official School Records

Certain records and personally-identifiable information related to the student's gender status or biological sex may be protected not only as an education record, but also as a confidential medical or patient health care record. The District further recognizes that a student may have a strong individual interest in maintaining the privacy of his/her transgender status or his/her gender nonconforming presentation at school. Accordingly, in addition to adhering to all legal standards of confidentiality, school personnel with knowledge of any student's transgender status or gender nonconforming presentation are expected to treat that information as being particularly sensitive, even internally among school staff and school officials. District employees are expected to refer any questions they may have about student privacy and possible disclosures of a student's transgender or gender nonconforming status to the Director of Student Services or designee. The District strongly encourages transgender and gender nonconforming students and their families to maintain ongoing communication with the school employees who are working directly with the student in order to address, among other issues, relevant privacy concerns and privacy preferences.

When referring to students at school and in connection with school activities, school personnel will normally use the student's legal name and the pronouns that correspond to the student's biological sex assigned at birth. However, an adult student or the parent/guardian of a minor student may determine the name and gender pronouns that school employees will use to address the student at school and in connection with school-related activities. A court-ordered name change or medical treatment or medical procedure is not required to initiate such a request. Upon being informed that a student intends to regularly use a particular name and/or prefers to be addressed using particular pronouns that correspond to the student's gender identity, school personnel are expected to respect that decision (which will be noted in the student's electronic record.)

The District's approach of respecting a student's decision to regularly use a name and the pronouns that correspond to the student's gender identity is not a commitment to change all existing school records in order to reflect those preferences. Further, there may be situations where the District is required to use or report the legal name or biological sex of the student as that data is reflected in the District's official records. The extent to which official records of the District are modified will depend on a case-by-case evaluation of the information that the District receives and the type(s) of school records affected by the information that is received. For example, when a student changes his/her legal name and that change is sufficiently substantiated, the District will issue a high school transcript under the student's new legal name.

4. Restroom and Locker Room Accessibility

Generally a student who is transgender and has held the belief deeply, followed the belief consistently over a period of time, is supported by the student's parent or guardian, and for which the student has sought guidance or counseling in coming to the decision, will be permitted to access the segregated restrooms that correspond to the gender identity that the student consistently asserts at school and elsewhere. Any student who does not wish to use the segregated restrooms may be given access to unisex restrooms if such a facility is reasonably available. No student shall be required to use a unisex restroom solely because of the student's transgender or gender nonconforming status.

If a transgender student makes any request regarding the use of segregated restrooms, the use of segregated locker rooms, or any similar type of changing area, the request shall be assessed on a case-by-case basis, taking into account all relevant interests of the student, the school district, and other students affected by the request. The school district will consider, in addition to all other relevant factors, such things as the ability of the transgender student to access the District's physical education curriculum and extra-curricular programs and the need to respect the privacy and safety of all students. The district will consider the physical layout of the facility, the availability of single access showers and changing areas, and the degree of undress required when changing for the applicable activity. There is no absolute rule that, in all cases, will require a transgender student to access and use only the restrooms, locker rooms, and other changing areas that correspond to the biological sex that the student was assigned at birth.

Any student who has a need or desire for increased privacy, regardless of the underlying reason, may be provided (to the extent reasonably available) with a reasonable alternative changing area (for example, a nearby restroom stall with a door, an area separated by a curtain, a physical education teacher's office in the locker room, or a nearby unisex restroom) or provided with an alternative changing schedule. Any alternative arrangement should be provided in a way that gives adequate consideration to relevant privacy concerns.

These guidelines related to restrooms and changing areas generally assume that a student has a concern or is in some way uncomfortable with consistently using the facilities that correspond to the biological sex that the student was assigned at birth. However, all students have the option of consistently accessing the facilities that correspond to the biological sex that the student was assigned at birth.

If the District, in its sole discretion, determines that transgender student's request regarding the use of a segregated locker room cannot be accommodated, the transgender students will be provided with a private changing area to accommodate physical education classes, athletics, or other activities that require a comparable changing area. Transgender students will not have access to open locker rooms or changing areas under such circumstances unless governing courts/governing agencies mandate that this access must be granted. This does not preclude the District's creation of locker rooms that provide private changing areas that must be used by all students. The District shall solely determine whether to create such locker rooms or changing areas.

5. Participation in Physical Education Classes and Sports Activities

A student who is transgender shall be permitted to participate in physical education classes and intramural sports in a manner consistent with the gender identity that the student regularly asserts at school and in other social environments.

Students who are transgender shall be permitted to participate in interscholastic athletics in a manner consistent with the requirements and policies of the Wisconsin Interscholastic Athletics Association (WIAA).

6. Dress Codes

Within the constraints of the District's dress code policy and dress codes adopted by the school, students may dress in accordance with their gender identity. School personnel shall not enforce a dress code more strictly against transgender and gender nonconforming students than other students.

LEGAL REF:

CROSS REF: 342.8, Human Growth and Development Curriculum
347, Student Records
411, Equal Educational Opportunities
411.1, Bullying of Students and Staff
440, Student Rights and Responsibilities
443.1, Dress Code
District Non-Discrimination Policy
WIAA Transgender Athlete Policy

MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

GUIDANCE FOR ADMINISTRATORS

ENSURING EQUAL OPPORTUNITY AND FREEDOM FROM HARASSMENT FOR TRANSGENDER AND GENDER NON-CONFORMING STUDENTS AND STAFF

The purpose of this guidance sheet is to assist administrators in providing a safe, secure and dignified educational and work atmosphere for the students and staff under their supervision. Please review this guidance in preparation for situations that may arise involving transgender and gender non-conforming students and staff and refer back to it when needed. If issues arise that are not addressed within this guidance sheet or more information and support is desired, please contact the Director of Student Services.

Topic	Guidance ¹
Safety and Bullying: Transgender and gender non-conforming students and staff are disproportionately targeted for teasing, bullying, harassment, and physical violence. ²	Confront and report bullying and name calling consistently. This includes name calling and bullying based on gender stereotypes, gender identity and gender expression. <i>See Administrative Policy 411.1 Bullying of Students and Staff</i>
Names and Pronouns: Frequently transgender and gender non-conforming people are not addressed by appropriate pronouns or names. ³ Having one's gender identity recognized and validated is important.	Refer to all students by their preferred name and gender pronouns whenever possible. Have conversations regarding preferences with the student in private. <i>See Administrative Policy 347 Student Records</i>
Bathrooms: Transgender and gender non-conforming people often struggle to find restroom facilities that are safe and that correspond with their gender identity. Having safe and respectful access to restroom facilities is important to the health and well-being of transgender and gender non-conforming people.	Students and staff shall have access to the restroom that corresponds to their gender identity consistently asserted at school. Any student or staff who has a need or desire for increased privacy, regardless of underlying reasons, should be provided access to a single stall restroom, but no student or staff shall be required to use such a restroom.
Privacy: All persons have a right to privacy, which includes the right to keep one's transgender status private at school. Information about a student's transgender status, legal name, or gender assigned at birth may constitute confidential medical information. Disclosing this information to other staff, students, their parents or other third parties may violate privacy laws and policies.	Students have a right to keep their personal information private. Staff members should not disclose information about a student's gender identity or gender expression to others unless legally obligated or expressly given permission by the student. Transgender and gender non-conforming students have the right to discuss and express their gender identity and expression openly. The fact that a student chooses to disclose his or her transgender status to others does not authorize school staff to disclose information. <i>See Administrative Policy 347 Student Records</i>
Physical Education/Athletics/Clubs: Transgender and gender non-conforming students may find it difficult to participate in extra-curricular activities. There may also be barriers of access and comfort for transgender and gender non-conforming youth regarding physical education.	Using gender to separate and/or identify students in physical education classes is discouraged. In circumstances where gender is used, students should be permitted to participate consistent with their gender identity. Students shall also be permitted to participate in intramural sports and club activities in a manner consistent with their gender identity. Furthermore, unless precluded by state interscholastic association policies ⁴ , students shall be permitted to participate in interscholastic athletics in a manner consistent with their gender identity.

¹MCPASD – Administrative Policies 411 Equal Educational Opportunities, 411.1 Bullying of Students and Staff, 511 Equal Opportunity Employment, 512 Harassment – These policies protect all students and staff from discrimination or harassment based on gender, gender identity, gender expression, and sexual orientation. The Federal Family Educational Rights and Privacy Act (FERPA) also may pertain.

²Greytak, E.A., Kosciw, J.G. & Diaz, E.M. (2009) Harsh Realities: The experiences of transgender youth in our nation's schools. New York: GLSEN.

³American Psychological Association (APA). (2006). Answers to your questions about transgender individuals and gender identity. Retrieved Aug 9, 2010, from <http://www.apa.org/topics/transgender.html>

⁴WIAA's last articulated position is to leave it to each District to address the issue of transgender student participation.